

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

PHILLIP C. HAIRSTON, JR., )  
                                )  
Plaintiff,                 ) Case No.: 4:11-cv-00033  
                                )  
v.                            ) **ORDER**  
                                )  
MICHAEL J. ASTRUE,        ) By: Hon. Jackson L. Kiser  
Commissioner of SSA,       ) Senior United States District Judge  
                                )  
Defendant.                 )

Before me is the Report and Recommendation (“R & R”) of Hon. B. Waugh Crigler recommending that I grant Plaintiff’s Motion for Summary Judgment [ECF No. 13] and remand this case to the Commissioner for further proceedings, pursuant to Sentence Four of 42 U.S.C. § 405(g) (2011). The Commissioner filed a timely objection [*see* ECF No. 18], and Plaintiff filed a timely response [ECF No. 19]. *See* FED. R. CIV. P. 72(b)(2). For the reasons stated in the accompanying Memorandum Opinion, I will **OVERRULE** the Commissioner’s objection and **ADOPT** Judge Crigler’s R & R. It is hereby **ADJUDGED** and **ORDERED** that Plaintiff’s Motion for Summary Judgment is **GRANTED**, and that this case shall be **REMANDED** to the Commissioner for further proceedings.

The clerk is directed to send certified copies of this Order and the accompanying Memorandum Opinion to all counsel of record and to Magistrate Judge Crigler.

Entered this 26<sup>th</sup> day of April, 2012.

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s/Jackson L. Kiser  
SENIOR UNITED STATES DISTRICT JUDGE